

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

UNITED STATES OF AMERICA )  
vs. ) Case No. 4:09-cr-32  
MARCUS PAGE ) JUDGE MATTICE  
 ) MAGISTRATE JUDGE LEE  
 )

**O R D E R**

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:  
(1) grant Defendant's motion to withdraw his not guilty plea to Counts Three and Four of the four-count Indictment (2) accept Defendant's plea of guilty to the charge in Counts Three and Four, that is of distribution of 5 grams or more of a mixture and substance containing cocaine base ("crack") in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) and felon in possession of a firearm in violation of 18 U.S.C. § 922(g); (3) adjudicate Defendant guilty of the charge in Counts Three and Four, that is of distribution of 5 grams or more of a mixture and substance containing cocaine base ("crack") in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) and felon in possession of a firearm in violation of 18 U.S.C. § 922(g); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 18]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation

[Doc. 18] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts Three and Four of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the charge in Counts Three and Four, that is of distribution of 5 grams or more of a mixture and substance containing cocaine base ("crack") in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) and felon in possession of a firearm in violation of 18 U.S.C. § 922(g) is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charge in Counts Three and Four, that is of distribution of 5 grams or more of a mixture and substance containing cocaine base ("crack") in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) and felon in possession of a firearm in violation of 18 U.S.C. § 922(g);
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday, November 9, 2009 at 9:00 a.m.** before the Honorable Harry S. Mattice, Jr.

**SO ORDERED.**

**ENTER:**

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE